

Appl. No. 10/715,752
Docket No. CM2543CQ
Amdt. dated March 2, 2007
Reply to Final Office Action mailed on January 3, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1 – 14 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §§102/103 Over Hefe I

Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hefe I (U.S. Pat. No. 5,569,348, hereafter "Hefe I"). Applicants respectfully traverse the rejection.

The law is well settled that "A claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, it is well settled that in order to establish a prima facie case of obviousness, three requirements must be met. MPEP §2143. First, there must be some suggestion or motivation, either in the cited references or in the knowledge generally available to one ordinarily skilled in the art, to modify the reference. *Id.* Second, there must be some reasonable expectation of success. *Id.* Third, the cited references must teach or suggest all of the claim limitations. *Id.*

The Office Action states "The adhesive is extruded onto a surface of a roller, i.e. first tool in the form of a multitude of beads by means of a coater unit (28) that has a multitude of extruder-applicators, in the form of surface cavities, and a hot melt doctor blade (32) to assist the gravure printing process." (The Office Action, page 3, first paragraph). However, it is Applicants' position that the Office may be construing the claims of the present application incorrectly. Thus, Applicants continue to assert that Hefe I does not teach or suggest a process for applying an active material onto the surface of a first tool in the form of a multitude of beads with a coater having a multitude of extruder-applicators, as recited in claim 2 of the present application.

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It is Applicants' understanding that common extrusion processes involve forcing a material through an opening (e.g., a die or applicator tube) by applying pressure. (The present application, page 10, lines 16 – 19). In the present application, it may be preferred that a pressure is applied to a coater, such that the active material exits the coater aided by this pressure, and thus is extruded. (The present application, page 10, lines 15 – 16). Applicant would like to point out that, contrary to the assertion in the Office Action, the surface cavities disposed on the roll of Hefe I are not the same as the extruder-applicators recited in claim 2 of the present application. In fact, Applicant is unable to find any disclosure in the portions of Hefe I cited by the Office Action that teach or suggest a coater having a multitude of extruder-applicators, as is recited in claim 2 of the present application.

In light of these remarks, it is Applicants' position that Hefe I does not teach or suggest each and every element of claim 2. Accordingly, Applicants respectfully request the rejection of claim 2 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hefe I, be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Sirota in view of Koehn and Goodnow

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 3,574,153, issued to Sirota (hereinafter "Sirota") in view of U.S. Pat. No. 6,475,283 issued to Koehn (hereinafter "Koehn") and U.S. Pat. No. 4,906,335 issued to Goodnow, *et al.*, (hereinafter "Goodnow"). Applicants respectfully traverse the rejection.

The Office Action states "Sirota does not teach applying adhesives as a multitude of beads with a coater unit having a multitude of applicators." (The Office Action page 5, third full paragraph). The Office Action asserts that Koehn provides the necessary lack of disclosure of Sirota. However, Applicants continue to assert that the Office Action fails to show that the combination of Sirota and Koehn teaches or suggests applying an active material in the form of a multitude of beads, as is recited in claim 1 of the present application.

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As best understood by Applicants, Koehn discloses **spraying** an adhesive onto a roll via nozzles. (Koehn, col. 1, lines 49 – 53). Applicants understand spraying to mean dispersing a substance in the form of small drops or finely divided particles. Applicants are unable to find any evidence or reasoning in the Office Action directed to how the spray nozzles of Koehn enable adhesive to be applied in the form of a multitude of beads, as is recited in claim 1 and described in the specification of the present application. (See page 9, lines 20 – 30 and figures 1A and 1B).

The law is well settled that “a reference may be said to teach away...if it suggests that the line of development flowing from the reference disclosure is unlikely to be productive of the result sought by the applicant.” *Tec Air Inc. v. Denso Manufacturing Michigan Inc.*, 192 F.3d 1353 (Fed. Cir. 1999). Thus, it is Applicants’ position that Koehn does not provide the necessary teaching or suggesting to overcome the failings of Sirota. It is also Applicants’ position that Koehn actually teaches away from at least one embodiment of the present invention.

The Office Action states “Sirota does not teach positioning a doctor blade at a certain angle tangent to the surface of a roller.” (The Office Action, page 6, first full paragraph). The Office looks to Goodnow for the missing disclosure. The Office Action further states “Goodnow et al. teach optimizing the angle of a doctor blade against a rotating surface (column 1, lines 20 – 34).

Goodnow discloses “[a] doctoring apparatus which enables the blade angle to be adjusted without interrupting the production process.” (Goodnow, col. 3, lines 23 – 26). As best understood by Applicants, however, Goodnow does not teach or suggest a specific use for the apparatus, only that it relates to the “type employed in the processing of paper, textiles and other like industrial products.” (Goodnow, col. 1, lines 9 – 11). Goodnow goes on to state “[i]n some cases the doctored material may consist of a sheet or web being processed on the rotating surface, whereas in other cases the doctored material may consist of contaminants accumulating on the surface.” (Goodnow, col. 1, lines 15 – 19).

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The Office Action provides no reasoning as why one of ordinary skill in the art would understand the generalized disclosure of Goodnow to teach or suggest contacting the surface of the first tool containing the active material, with a coating blade which has an angle of between 5° and 40° with the tangent of the surface of the first tool, and which applies a constant pressure onto the surface with active material, as is recited in claim 1 of the present application. Applicants would like to point out that Goodnow does not teach or suggest that the optimum blade angle may vary with the type of material being doctored, or even what criteria should be used to define optimum blade angles. In fact, Applicants are unable to find any teaching or suggestion in Goodnow of any specific optimum blade angles, only that optimum blade angles and uniform blade pressure may be desirable when a doctor blade is applied to a rotating surface.

It is Applicants' position that, at most, Goodnow merely discloses that it may be desirable to find and maintain optimum blade angles for various applications involving a doctor blade and a rotating surface. However, Goodnow does not offer any **enabling** teaching or suggestion as to how one of ordinary skill determines an optimum doctor blade angle or what an optimum blade angle might be for a given application. Thus, Applicants respectfully submit that Goodnow does not overcome the failings of Sirota.

In light of the foregoing remarks, it is Applicants' position that Sirota in view of Koehn and Goodnow do not teach or suggest each and every element of claim 1 or 3. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 3 under 35 U.S.C. §103(a) over Sirota in view of Koehn and Goodnow be reconsidered and withdrawn.

**Rejection Under 35 USC §103(a) Over Lender in view of Koehn and
Goodnow**

Claims 1, 3, and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0978263, filed by Lender, *et al.* (hereinafter "Lender") in view of Koehn and Goodnow. Applicants respectfully traverse the rejection.

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Even assuming, *arguendo*, that Lender contains the disclosure for which it is cited, the remarks made above with regard to Koehn and Goodnow are equally applicable to the instant rejection. Specifically, by disclosing spray nozzles, Koehn actually teaches away from the recitation of claim 1, and by not providing any sort of enabling disclosure on how to find an optimum angle, Goodnow does not teach or suggest a coating blade which has an angle of between 5° and 40° with the tangent of the surface of a first tool, as is recited in claim 1 of the present application. Additionally, Applicant asserts that Lender does not provide the necessary disclosure to overcome the failings of Koehn and Goodnow.

It is Applicants' position that Lender in view of Koehn and Goodnow do not teach or suggest each and every element of claims 1, 3, or 11, in view of the above remarks. Accordingly, Applicants respectfully request the rejection of claims 1, 3, and 11 be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Yajima in view of Herzog and Hefe

Claims 1, 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima, *et al.*, (U.S. Pat. No. 4,343,260, hereafter "Yajima") in view of Herzog (US 3,762,365, hereafter "Herzog") and Hefe (US 4,141,313, hereafter Hefe II). Applicants respectfully traverse the rejection.

As best understood by Applicants, Yajima and Hefe II clearly disclose applicators directed for use with liquid materials while Hefe II, on the other hand, is clearly directed to applicators for use with solid (*i.e.*, powder) materials. Therefore, Applicants continue to assert that the combination of Yajima, Hefe II and Herzog is improper and that the Office Action has failed to make a *prima facie* case of obviousness.

Case law clearly states, "[i]t is impermissible within the framework of §103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such

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reference fairly suggests to one skilled in the art.” *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448 (Fed. Cir. 1986). It is Applicants’ position that the Office has selectively chosen portions of Hefe II to support the position that Hefe II will provide disclosure directed to a multitude of applicators and an angle of a scraper blade to the exclusion of the parts directed to use with a powder. Further, Applicants are unable to find any explanation in the Office Action as to why one of ordinary skill in the art would modify the liquid handling applicator of Yajima with the powder handling applicator of Hefe II.

The Office Action states “the amount of adhesive shown in the pattern is dependent on the angle of the blade.” The Office Action, page 7, first full paragraph. However, Applicants are unable to find any reasoning or evidence in the Office Action explaining why one of ordinary skill in the art would be motivated and/or enabled to modify the liquid-oriented process of Yajima with the rake of Hefe II in order to provide the process recited in claim 1 of the present application. Accordingly, Applicants respectfully submit that even if the combination of Yajima and Hefe II were proper, the result still wouldn’t teach or suggest each and every element in claim 1 of the present application.

Notwithstanding the above remarks, case law provides that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP § 2143.01 (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). In *Ratti*, the court reversed an obviousness rejection and held that the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” (*In re Ratti*, 270 F.2d 813, 123 USPQ 352 (CCPA 1959)). Applicants respectfully submit that the holding in *Ratti*, is equally applicable in the instant case because the modification proposed by the Office may change the basic

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principle by which the apparatus of Yajima operates. (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Additionally, Applicants assert that the Office's proposed modification to Yajima may render Yajima unsatisfactory for its intended purpose. Case law provides that "[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01 (citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Yajima states that "[a]n object of the present invention is to provide an apparatus for applying a liquid state material onto a surface of a cloth or the like by which the liquid can be uniformly and continuously applied in dot pattern." (Col. 1, lines 16 ~ 20). In contrast, Applicants understand Hefe II to disclose the application of an adhesive powder to an engraved roll. Hefe II discloses that the engraved roll is at a lower temperature than the melting point of the adhesive powder. (See Example 1, col. 8, lines 8-24; col. 8 line 65 through col. 9 line 6). Additionally, Hefe II discloses that "[i]n the course of further rotation of the engraved roller the powder coatings 27, 28 then become adhered to this surface form." (col. 6, lines 51-53). Because Hefe II discloses the application of a powder to a surface as opposed to a liquid, it is Applicants' position that Hefe II is contrary to the purpose of Yajima.

For the foregoing reasons, it is Applicants' position that the Office Action fails to make a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the rejection of claims 1, 3, and 11 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Yajima, in View of Herzog and Hefe II, and Further in View of Lender and Friesch

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Herzog and Hefe as applied to claim 3, and further in view of Lender et al. (EP

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0978263, hereafter "Lender") and Friesch (U.S. Pat. No. 5,064,492, hereafter "Friesch"). Applicants respectfully traverse the rejection.

In light of the above remarks, Applicants respectfully submit that Yajima in view of Herzog and Hefe I is not sufficient to make a *prima facie* case of obviousness against claim 4 for the same reasons as stated above. Additionally, Applicants assert that Lender and Friesch do not provide the necessary teaching or suggestion to overcome the failings of the cited disclosures. Accordingly, Applicants respectfully request that the rejection of claim 4 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**Rejection Under 35 USC §103(a) Over Yajima, in View of Herzog and Hefe I, and
Further in View of Hefe I**

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Herzog and Hefe I as applied to claim 3, and further in view of Hefe I. Applicants respectfully traverse the rejection.

In light of the above remarks, Applicants respectfully submit that Yajima in view of Herzog and Hefe I is not sufficient to make a *prima facie* case of obviousness against claim 7 for the same reasons as stated above. Additionally, Applicants assert that Hefe I does not provide the necessary teaching or suggestion to overcome the failings of the cited disclosures. Accordingly, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**Rejection Under 35 USC §103(a) Over Yajima, in View of Herzog and Hefe I, and
Further in View of Kaylor**

Claims 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima et al. in view of Herzog and Hefe I as applied to claim 1, and further in view of Kaylor, *et al.*, (Pub. No. 2003/0138570, hereafter "Kaylor"). Applicants respectfully traverse the rejection.

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In light of the above remarks, Applicants respectfully submit that Yajima in view of Herzog and HefeIe II is not sufficient to make a *prima facie* case of obviousness against claims 10, 12 and 13 for the same reasons as stated above. Additionally, Applicants assert that Kaylor does not provide the necessary teaching or suggestion to overcome the failings of the cited disclosures. Accordingly, Applicants respectfully request that the rejection of claims 10, 12 and 13 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Yajima, in View of Herzog and HefeIe II, and HefeIe I and Further in View of Datta

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yajima in view of Herzog and HefeIe II, and HefeIe I as applied to claim 7, and further in view of Datta et al. (U.S. Pat. No. 5,695,376). Applicants respectfully traverse the rejection.

In light of the above remarks, Applicants respectfully submit that Yajima in view of Herzog and HefeIe II is not sufficient to make a *prima facie* case of obviousness against claim 14 for the same reasons as stated above. Additionally, Applicants assert that neither HefeIe I, as applied to claim 14, nor Datta provide the necessary teaching or suggestion to overcome the failings of the cited disclosures. Accordingly, Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. Applicant respectfully requests that the rejection of the claims be reconsidered in light of the arguments set forth herein and that claims 1 – 14 be allowed. Early and favorable action in the case is respectfully requested.

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Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


John G. Powell

Registration No. 57,927
(513) 634-2962

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